

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PASHA ANWAR, *et al.*,

Plaintiffs,

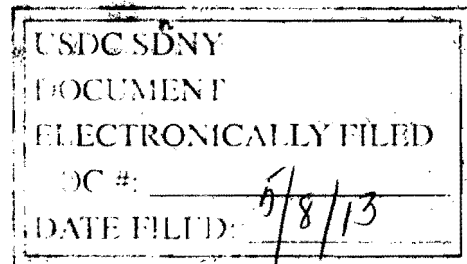
v.

FAIRFIELD GREENWICH LIMITED, *et al.*,

Defendants.

This Document Relates To: 09-cv-118 (VM)

Master File No. 09-cv-118 (VM) (FM)



**STIPULATION CONCERNING NAMED PLAINTIFFS**

IT IS HEREBY STIPULATED AND AGREED, by and among the parties through their undersigned counsel, that:

1. On February 25, 2013, the Court issued a Decision and Order (Dkt. No. 1052) ("the Order")<sup>1</sup> certifying a class under Federal Rule of Civil Procedure 23(b) (the "Class") consisting of:
  - a. all shareholders/limited partners in Fairfield Sentry Limited, Fairfield Sigma Limited, Greenwich Sentry, L.P. and Greenwich Sentry Partners, L.P. (the "Funds") as of December 10, 2008 who suffered a net loss of principal invested in the Funds (the "Class Definition"); but
  - b. excluding the Defendants,<sup>2</sup> and any entity in which the Defendants have a controlling interest, and the officers, directors, affiliates, legal

<sup>1</sup> The Order does not apply to the Fairfield Defendants (see Dkt Nos. 1076 & 1077), who were subsequently dismissed from this action pursuant to the Court's March 25, 2013 final judgment and order approving the partial settlement of this action. Accordingly, the Fairfield Defendants are not parties to this Stipulation.

<sup>2</sup> "Defendants" as defined in the Order included the Fairfield Defendants, who are therefore excluded from the Class, notwithstanding the court's subsequent orders (see Dkt. Nos. 1076 & 1077) otherwise excluding the claims against the Fairfield Defendants from the scope of the Order. The Court further clarifies that

representatives, immediate family members, heirs, successors,  
subsidiaries, and/or assigns of any such individual or entity; and

- c. excluding members of the class from the following countries: Switzerland, France, Luxembourg, Israel, Kuwait, Korea, North Korea, Pitcairn, Tokelau, Mongolia, China, Liechtenstein, Japan, Oman, Taiwan, United Arab Emirates, Qatar, Saudi Arabia, Bosnia, Andorra, San Marino, Namibia, Monaco, Germany, and South Africa (collectively, the "Excluded Countries").

2. The Court's Order is hereby modified to include within the Class any Plaintiffs named in the Second Consolidated Amended Complaint ("SCAC") or that were (or may be) subsequently added by stipulations "so-ordered" by the Court, including plaintiffs who are from any of the Excluded Countries, provided such plaintiffs fall within the Class Definition.

3. Plaintiffs shall have until the close of fact discovery to add as named plaintiffs in this action investors who are covered by the Class Definition without regard to whether they are from Excluded Countries, by filing a stipulation to that effect to be "so ordered" by the Court. Defendants agree to consent to any such persons being added as named plaintiffs to the SCAC as if they were originally included in the SCAC. Any such additional named plaintiffs shall be considered members of the certified class for all purposes.

4. Nothing herein shall prejudice any party's right to seek or oppose any further modification of the certified class.

---

"Defendants" as defined in the Order does not include Citco Global Custody solely in its capacity as shareholder of record for certain investors.


5. Nothing herein shall limit any Party's rights with respect to discovery regarding named plaintiffs.

6. Nothing herein shall be construed to prejudice or waive any Parties' rights with respect to any petition for review under Rule 23(f) or any appeal of the Court's Order.

Dated: May 7, 2013

On behalf and with consent of all parties hereto,

By:

  
David A. Barrett  
Howard L. Vickery, II  
Boies, Schiller & Flexner LLP  
575 Lexington Avenue  
New York, NY 10022  
Telephone: (212) 446-2300  
Facsimile: (212) 446-2350

Stuart H. Singer  
Carlos Sires  
Sashi Bach Boruchow  
Boies, Schiller & Flexner LLP  
401 East Las Olas Boulevard, #1200  
Ft. Lauderdale, Florida 33301  
Telephone: (954) 356-0011  
Facsimile: (954) 356-0022

Robert C. Finkel  
James A. Harrod  
Wolf Popper LLP  
845 Third Avenue  
New York, NY 10022  
Telephone: (212) 759.4600  
Facsimile: (212) 486.2093

Christopher Lovell  
Victor E. Stewart  
Lovell Stewart Halebian Jacobson LLP  
61 Broadway, Suite 501  
New York, NY 10006  
Telephone: (212) 608.1900

*Co-Lead Counsel for Plaintiffs*

/s/ David McGill

Jonathan D. Cogan, Esq.  
Michael S. Kim, Esq.  
David McGill, Esq.  
Brad H. Samuels, Esq.  
KOBRE & KIM LLP  
800 Third Avenue, 6<sup>th</sup> Floor  
New York, NY 10022  
Tel: (212)-488-1200

*Counsel for Defendant  
GlobeOp Financial Services LLC*

/s/ Andrew G. Gordon

Allan J. Arffa, Esq.  
Leslie G. Fagen, Esq.  
Andrew G. Gordon, Esq.  
Brad Scott Karp, Esq.  
Patrick James Somers, Esq.  
PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON LLP  
1285 Avenue of the Americas  
New York, NY 10019-6064  
Tel: (212) 373-3000

*Counsel for Defendants  
Citco Fund Services (Europe) B.V.,  
Citco (Canada) Inc., Citco Bank  
Nederland N.V. Dublin Branch, Citco  
Global Custody N.V., Citco Fund  
Services (Bermuda) Limited and The  
Citco Group Limited*

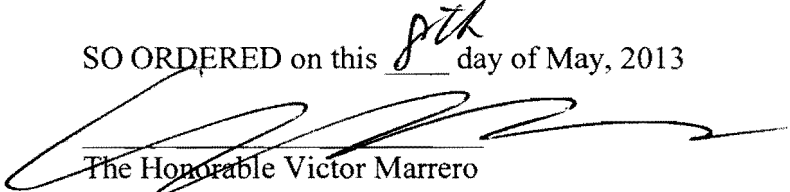
/s/ Timothy A. Duffy  
Timothy A. Duffy, P.C.  
Amy Crawford, Esq.  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
Tel: (312) 862-2000

Andrew M. Genser, Esq.  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
Tel: (212) 446-4800  
*Counsel for Defendant*  
*PricewaterhouseCoopers L.L.P. (PwC*  
*Canada)*

/s/ Sarah L. Cave  
William R. Maguire, Esq.  
Sarah L. Cave, Esq.  
Gabrielle S. Marshall, Esq.  
HUGHES HUBBARD & REED LLP  
One Battery Park Plaza  
New York, NY 10004  
Tel: (212) 837-6000

*Counsel for Defendant*  
*PricewaterhouseCoopers Accountants*  
*Netherlands N.V. (PwC Netherlands)*

SO ORDERED on this 8th day of May, 2013

  
The Honorable Victor Marrero  
United States District Judge